

Amendments to the Drawings:

Please replace sheet 1 of the drawings with the attached replacement sheet 1. The replacement sheet incorporates the desired changes in the drawings, and each sheet includes all of the figures that appeared on the immediately prior version of that sheet.

Attachment: Replacement Sheet

REMARKS

This response is accompanied with a Petition for Extension of Time extending the period for response by one month from September 13, 2006 to October 13, 2006.

The above amendments and these remarks are responsive to the Office action dated June 13, 2006. In the Office action, the Examiner objected to the drawings as not including three reference numbers identified in the description; objected to claim 13 as not having proper antecedent basis for a term; and objected to claims 8-17, 24-33 and 37-41 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. In view of the remarks below, applicants consider all of the claims to be allowable over the cited references, and so these objected-to claims have not been amended.

The objections to the drawings have been overcome by changing the reference to system 20 in the description to system 30, which reference is shown in the drawings. A replacement sheet containing Figure 1 of the drawings is submitted herewith showing the addition of reference 67 to the drawing. The objected to reference 22' has been removed from the description. Claim 13 is amended to depend from claim 2 instead of claim 1 to provide antecedent basis for "the second image" in claim 13. The claims from which claims 32 and 33 depend are changed for consistency. A term in claim 43 has been amended for consistency. New claims 46-51 are added. Claims 1-51 are now pending in the application.

In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and

allowance of the pending claims.

Rejections under 35 USC § 102

Claims 1-3, 18-19, 34, 42 and 43 were rejected as being anticipated by Yukl (6,057,761). Claim 1 is directed to a method of surveilling a subject, the subject including a person and any discernable objects with the person, the method comprising transmitting toward the subject in a subject position, electromagnetic radiation in a frequency range of about 100 MHz to about 2 THz, from positions spaced from the subject position; receiving from the subject electromagnetic radiation emitted from the subject in response to the transmitted electromagnetic radiation; producing an image signal representative of the received radiation; producing from the image signal, image data corresponding to a first image of at least a portion of the subject; determining whether the image data corresponding to the first image includes characteristics corresponding to an object on the person; and when the image data corresponding to the first image is determined to include characteristics corresponding to an object, determining the location in the first image corresponding to image data including characteristics corresponding to an object.

Similarly, claim 18 is directed to an imaging system comprising means for transmitting toward a subject in a subject position, the subject including a person and any discernable objects with the person, electromagnetic radiation in a frequency range of about 100 MHz to about 2 THz, from positions spaced from the subject position; means for receiving from the subject electromagnetic radiation emitted from the subject

in response to the transmitted electromagnetic radiation; means for producing an image signal representative of the received radiation; means for producing from the image signal, image data corresponding to a first image of at least a portion of the subject; means for determining whether the image data corresponding to the first image includes characteristics corresponding to an object on the person; and means for producing from the image signal associated with the image data including characteristics corresponding to an object, image data corresponding to a second image of at least a portion the first image, when the image data corresponding to the first image is determined to include characteristics corresponding to an object.

Claim 19 is directed to a method comprising interrogating a subject, including a person and any objects carried by the person, with electromagnetic radiation in a range of about 100 MHz to about 2 THz; generating, from the interrogating, first image data representative of a first image of at least a portion of the subject; identifying at least a first portion of the first image data having characteristics corresponding to characteristics of an object carried by the person; and displaying a second image representative of the first portion of the first image data.

Claim 34 is directed to an imaging system comprising an antenna assembly including at least a first antenna apparatus, each antenna apparatus configured to transmit toward and receive from a subject, including a person and any discernable objects with the person, in a subject position, electromagnetic radiation in a frequency range of about 100 MHz to about 2 THz, from positions spaced from the subject position, the antenna assembly producing an image signal representative of the

received radiation; and a controller adapted to produce from at least a first portion of the image signal first image data corresponding to a first image of at least a portion of the subject, and to identify at least a first portion of the first image data having characteristics corresponding to characteristics of an object carried by the person.

Also, claim 42 is directed to an imaging system comprising means for interrogating a subject, including a person and any objects carried by the person, with electromagnetic radiation in a range of about 100 MHz to about 2 THz; means coupled to the means for interrogating for generating first image data representative of a first image of at least a portion of the interrogated subject; and means for identifying at least a first portion of the first image data having characteristics corresponding to characteristics of an object carried by the person.

Claim 43 is directed to one or more storage media having embodied therein a program of commands adapted to be executed by a computer processor to receive an image signal generated in response to an interrogation of a subject, including a person and any objects carried by the person, with electromagnetic radiation in a range of about 100 MHz to about 2 THz; produce from the image signal, first image data representative of a first image of at least a portion of the subject; and identify at least a first portion of the first image data having characteristics corresponding to characteristics of an object carried by the person.

Among other things, all of these claims require producing from the received electromagnetic radiation, image data representative of an image of the subject. Claim 1 states it as producing an image signal representative of the received radiation;

producing from the image signal, image data corresponding to a first image of at least a portion of the subject; determining whether the image data corresponding to the first image includes characteristics corresponding to an object on the person; and when the image data corresponding to the first image is determined to include characteristics corresponding to an object, determining the location in the first image corresponding to image data including characteristics corresponding to an object.

Yukl does not disclose such systems, methods or apparatuses. In particular, Yukl does not produce image data representative of an image of the subject. Rather, Yukl monitors a dielectric response received from a subject and produces output data that is interpretable to identify the presence or absence of contraband. (Abstract.) As shown in Figures 6A and 6B, a scanned response is compared to a generic baseline response to determine if there is an anomaly that is different than expected. The data thus is of dielectric constant, not of an image of the subject. The position of the anomaly as determined by the position of the scanner and a pre-established definition of the position a person must stand in, the position of the anomaly on the person can be deduced. This position is then shown as a rectangle on a generic wireframe image, as shown in Figure 7A or Figure 7B. (Column 2, lines 20-51, column 3, lines 25-38. Column 7, line 56 – Column 9, line 22.)

It is therefore submitted that the statements in the Office action that the process disclosed by Yukl inherently produces an image signal, and particularly that an image signal is produced that includes image data corresponding to a first image of at least a portion of the subject, are incorrect. This conclusion is clearly supported by the

description in Yukl. Yukl only produces dielectric data. No image data is produced, as emphasized by the fact that Yukl is unable to generate an image of the subject for display, and must rely instead on a generic wireframe, and there is no image or image data related to a feature of the subject having characteristics of an object.

Anticipation requires that all of the features of the claimed invention be disclosed. Yukl does not disclose features that are fundamental to the applicants' claimed inventions. For these reasons, Yukl neither anticipates or renders obvious the claimed inventions, and the rejections based on anticipation should accordingly be withdrawn.

Rejections under 35 USC § 103

Claims 4-7, 20-23, 35, 36, 44 and 45 were rejected as being unpatentable over Yukl as applied to claims 1, 19, 34 and 43, and further in view of Keller et al. (2004/0140924). As discussed above, Yukl in fact does not disclose the features included in claims 1, 19, 34 and 43, as discussed above. Accordingly, Yukl is an inappropriate reference, and the combination of Yukl and Keller do not disclose the features of the identified claims that variously depend from the identified claims. Further, Yukl is only able to identify possible objects by threshold differences between baseline dielectric data and scanned data. There is no image information that identifies an object based on image data of the object. Yukl does not produce image data, and therefore does not have data associated with picture elements that could be related to picture elements discussed by Keller. Accordingly, the disclosure of Keller would not be

applicable to the system of Yukl to one skilled in the art, so there would be no motivation to apply the teachings of Keller to Yukl.

As a result, applicants submit that the claimed inventions are patentable over Yukl in view of Keller, and withdrawal of the rejection of the rejected claims is appropriate and earnestly solicited.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

**CERTIFICATE OF ELECTRONIC
SUBMISSION**

I hereby certify that this correspondence is being submitted electronically via the United States Patent & Trademark Office EFS-Web system on October 12, 2006.

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Respectfully submitted,

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